IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

NOTICE NO.1425 OF 2004
IN
RECOVERY CERTIFICATE APPL.3020 OF 2004

Greater Bombay Co-op Bank ....Applicant
vs.
Soundcraft Industries
Ltd and Ors. ....Respondents

W I T H
CHAMBER SUMMONS NO.1797 OF 2004
IN
NOTICE NO.1425 OF 2004
IN
RECOVERY CERTIFICATE APPLN.370 OF 2004

Greater Bombay Co-op Bank ....Applicant
vs.
Soundcraft Industries
Ltd and Ors. ....Respondents

CORAM: S.U. KAMDAR, J.

DATE : 12TH APRIL, 2005.

P.C. :

1. The present notice is taken out under order 21 rule 37 of the CPC for the purpose of disclosure of assets of the judgment debtor. In my opinion the reliefs in the present notice cannot be granted at

this stage.

2. 0The plaintiff decree holder sought to execute the decree against the properties of the defendant judgment debtor. The defendant is a public limited company and the assets cannot be attached of the defendant. However the learned counsel for the applicant has sought to add the respondent no.2 who was a director as a party defendant. There is no decree against the respondents. No assets can be sought to be attached of a person who is not a party. In view thereof chamber summons disposed off accordingly.

2. In chamber summons no.1797 of 2004 the party is one company and one Mr. Basantiani Chainrai Raj. The remaining respondents are sought to be added as a party respondents. In the chamber summons they are not parties to the present proceedings and their assets are sought to be disclosed. In my opinion there is not decree against respondent nos.2 to 3. There is no question of them being arrested for

non-payment of decree as they are not the judgment debtor. Thus the present chamber summons is also dismissed accordingly.

sd/-

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